THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.9650 of 2005

Date:26.09.2005

A.Lokanatham

--------PETITIONER

Tirumala Tirupati Devasthanams, Tirupai, Chittoor District,

Rep. by its Executive Officer

---------RESPONDENT

ORDER:

The petitioner is an Ex-Serviceman. After he retired from Military Service, he was employed as a Vigilance Guard in the year 1982. Through proceedings, dated 15.03.1990, his services were regularized with effect from 19.10.1987. However, in the year 1994, he was retired from service, on the ground of medical invalidation. Since he did not have the qualifying service for payment of pension, he was extended the benefit of retirement gratuity.

The petitioner submitted a representation on 13.12.2004 to the respondent with a plea that he has got 12 years of qualifying service and that he was entitled to be paid the pension. The respondent rejected the representation of the petitioner, through its letter, dated 22.02.2005. The same is challenged in this writ petition.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent.

It is a matter of record that the petitioner stood retired from service with effect from 22.02.1994. He was paid the retirement gratuity, on the ground that he did

not hold the qualifying service for being granted the regular pension. If the petitioner was of the view that he had sufficient qualifying service to enable him to be paid the regular pension, he ought not to have received the regular gratuity or at least ought to have protested immediately thereafter. He kept quiet for a full decade and made a representation for the first time at the fag end of the year 2004. On the face of it, the claim of the petitioner is barred by laches and is a stale one. Further, the petitioner can be extended the relief, if only the order dated 15.03.1990, regularising his services is modified. Even that cannot be done at this stage.

Accordingly, the writ petition is dismissed. There shall be no order as to costs.

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26.09.2005

Jsu